UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,006	12/31/2003	Matthew F. Kelly	BLLYP032.US02	5521

68635 7590 12/18/2008

TIPS/BALLY
c/o Intellevate LLC
P.O. BOX 52050
Minneapolis, MN 52050

EXAMINER	
MOSSER, ROBERT E	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
12/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcody@ballytech.com
phickman@tipsgroup.com
docketing@intellevate.com

Office Action Summary	Application No.	Applicant(s)	
	10/751,006	KELLY ET AL.	
	Examiner	Art Unit	
	ROBERT MOSSER	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6 and 8-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6 and 8-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-4, 6, 8-11, 14-35** and **37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 5,697,844) in view of Storey (US 5,774,870) in further view of Williams et al (6,692,359).

Claims **1-2**, and **19**: Von Kohorn teaches an interactive computer network including:

allowing a participant to participate in a game on multiple occasions and thereby providing a plurality of games in exchange for a plurality of wagers (*Von Kohorn* Col 2:44-57);

based on the participant's interaction with the game awarding the player a prize wherein said prize includes both prize credits and a merchandise prizes (*Von Kohorn Col 2:27-29, 53:52-65, 54:29-43 Figure 31, 102:26-28*);

Von Kohorn is arguably silent regarding allowing participants to redeem prizes through a video selection interface (catalogue) including one or more web pages and one or more GUI controls who's events result in calls to a centralized server however Storey teaches the use of prize redemption system including the use of web browsers (*Storey* Col 2:54-65) to browse a prize catalogue and redeem award points (*Story* Col 8:3-27 Figure 4) through an interface containing a plurality of menu items selectable by the player (*Storey* Col 3:47-4:10) and resulting in a call to a central award system (*Storey* Element 500). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the features of Storey into the invention of Von Kohorn in order to enable the participants to redeem awards using known standard network interface technologies.

The combination of Storey and Von Kohorn teaches the elements of the claimed invention as presented above however the combination of Storey and Von Kohorn does not explicitly teaches that the participant is enabled to select a game type from a plurality of game types. The feature of enabling a participant enabled to select a game type from a plurality of game types however is presented in the related network gaming device of Williams et al (Williams Figure 7, Col 1:62-2:9, "selected game"). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the feature of enabling a player to select a game type from a plurality of

game types in order to provide a game system adaptable to game preferences of it's participants.

Claims **3-4**: Storey and Von Kohorn commonly teach the use of a computer (*Storey* Col 7:5-15 *Von Kohorn* Col 153:40-54) while Von Kohorn additionally teaches the use of a console gaming system as an alternative client system (*Von Kohorn* Abstract).

Claims **6,** and **8**: Von Kohorn teaches the use of the of the standard web format technology of Java (*Von Kohorn* Col 162:56-67).

Claims **9, 14, 16, 18, 21,** and **22**: Von Kohorn teaches the accrual of prize credits and the delivery of coupons at the location where they were earned and that may be redeemed at merchant establishments for merchandise (*Von Kohorn Col 2:27-29, 53:52-65, 54:29-43 Figure 31, 102:14-44*).

Claims **10,** and **11**: Storey teaches the manual entry of address information by the user (*Storey* Col 6:39-53).

Claims **15,** and **17**: Von Kohorn teaches the inclusion of machine readable bar coded information with coupons for validation of the instrument (*Von Kohorn* Col 152:29-45).

Claim **20**: Storey teaches the use of an automated redemption facility as cited above.

Claims **23-26**: Von Kohorn teaches the inclusion of games of skill and games of chance (*Von Kohorn* Col 15:59-16:12, 70:52-71:10).

Claim **27**: Von Kohorn teaches the accumulation of prize credits and token across multiple game sessions as cited above.

Claims **28, 29, 31,** and **33**: Storey teaches the customization of the game redemption system through only displaying the catalogue of image available to the player (*Storey* Col 4:11-26, 8:29-41).

Claim **30**: Storey teaches electronically forwarding customer order information to a second party for order fulfillment (*Storey* Col 9:56-10:19).

Claim **32**: Von Kohorn teaches blocking wager when doing so would be illegal (*Von Kohorn* Col 75:52-76:2).

Claims **34-35**: Von Kohorn teaches The collection and utilization of user information for directed advertising (*Von Kohorn* Col 123:45-54).

Claim **37**: Storey teaches the use of calls to internet addresses for providing a graphical user interface (*Storey* Col 3:62-4:10).

Claims **12** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 5,697,844) in view of Storey (US 5,774,870) in further view of Williams et al (6,692,359) as applied to at least claim **2** above and yet further in view of Atkins (5,644,727).

The combination of Von Kohorn, Storey, and Williams teaches the network computing arrangement including the identification of a player and player address as taught above however is silent regarding the automatic extracting of known information from a credit card. In a related account management system Atkins teaches automatic extracting of customer supplied information from a credit card in order to verify the identity of an individual. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated automatic extracting of customer supplied address information into the invention of Von Kohorn, Storey, and Williams from a credit card in order to verify the identity of an individual as taught by Atkins (Atkins Col 5:62-65).

Claims **36** and **38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 5,697,844) in view of Storey (US 5,774,870)) in further view of Williams et al (6,692,359) as applied to at least claim **2** above and further in view of Hunt et al (6,223,215).

The combination of Von Kohorn, Storey, and Williams teaches the network computing arrangement including online prize selection however the combination is silent regard the explicit disclosure of a virtual shopping cart or the utilization secure

socket layer (SSL) communication. In a related invention however Hunt teaches the use of a virtual shopping cart and SSL communication (*Hunt* Col 1:12-26, 2:7-31). It would have been obvious to one of ordinary skill in that art at the time of invention to have incorporated the features of Hunt into the combination of Von Kohorn, Storey, Williams to provide additional safety and convince to the online prize selection.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6, and 8-38 have been considered but are moot in view of the new ground(s) of rejection.

The applicant remarks are directed the amendments specifying the inclusion of a player selection of a game from a plurality of different games. Responsive to the amendment the reference of Williams et al has been incorporated into the rejections above to address the newly amended and argued features.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/R. M./
Examiner, Art Unit 3714